

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00048-14-CR-W-DGK

BRIAN T. BOXLY,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES: Count 1: Conspiracy to distribute 5 kilograms or more of cocaine; fentanyl; and less than 50 kilograms of marijuana *in violation of* 21 U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)

Counts 75, 80: Use of a Communication Facility to Facilitate a Drug Trafficking Crime *in violation of* 21 U.S.C. § 843(b) and (d)(1)

Count 92: Possession with Intent to Distribute Marijuana *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(D)

Count 93: Possession of a Firearm in Furtherance of a Drug Trafficking Offense *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)

Forfeiture Allegations One and Two

TRIAL COUNSEL:

Government: Matthew Moeder, Sean Foley, Stephanie Bradshaw; Paralegal Michelle Wells

Case Agent: ATF Special Agent Elizabeth White

Defense: Daniel Owen Herrington and Garrett Hunkins

OUTSTANDING MOTIONS: None

ANTICIPATED MOTIONS: Government – Rule 404(b) Notice; Defense - None

TRIAL WITNESSES:

Government: 50 without stipulations if four defendants go to trial; premature to address stipulations specific to each defendant

Defense: 5 witnesses, including Defendant who will
 may
 will not testify

TRIAL EXHIBITS:

Government: 300 exhibits with four defendants going to trial

Defense: 20 exhibits

DEFENSES:

defense of general denial
 defenses of general denial and _____

POSSIBLE DISPOSITION:

Definitely for trial Possibly for trial
 Motion to continue to be filed Likely a plea will be worked out

TRIAL TIME: 10 days for trial with four defendants

Government's case including jury selection: 7-8 days

Defense case: .5 day

STIPULATIONS:

not likely
 not appropriate
 likely as to:
 chain of custody
 chemist's reports
 prior felony conviction
 interstate nexus of firearm
 other: _____

UNUSUAL QUESTIONS OF LAW: None**FILING DEADLINES:****Witness and Exhibit Lists:**

Government: On or before June 24, 2024

Defense: On or before June 24, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: On or before June 24, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: On or before June 24, 2024

TRIAL SETTING: Criminal jury trial docket commencing 7/8/2024

Please note: The Government requests trial start on the second week of the docket as Government Counsel has a conflict on July 8th and 9th. However, Government Counsel would be available beginning July 10th.

OTHER:

() A _____-speaking interpreter is required.
() Other assistive devices:

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge